

UNITED STATES BANKRUPTCY COURT**District of New Jersey**IN RE: **Maria E Ciocca**Case No.: **12-28191-MBK**Judge: **Michael B. Kaplan**

Debtor(s)

Chapter: **13****CHAPTER 13 PLAN AND MOTIONS**☐ Original☐ Motions Included☐ Modified/Notice Required☒ Modified/No Notice Required☒ Discharge Sought☐ No Discharge SoughtDate: **September
20, 2016**THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE.**YOUR RIGHTS WILL BE AFFECTED.**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The Debtor shall pay \$4,455 per month to the Chapter 13 Trustee, starting on October 1, 2016 for approximately 10 months.

b. The Debtor shall make plan payments to the Trustee from the following sources:



Future Earnings



Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

- ☐ Sale of real property
Description: 1008 Wesley Avenue, Unit 406, Ocean City, NJ. HSBC Mortgage Services (POC #9) and JP Morgan Chase Bank (POC #11) to be paid in full at settlement. Tax liens and judgment lien to apply proceeds. - this was completed in 2015

Proposed date for completion: _____

- ☐ Refinance of real property

Description:

Proposed date for completion: _____

- ☐ Loan modification with respect to mortgage encumbering property

Description:

Proposed date for completion: _____

- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

- e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$_____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$_____ to be paid directly by the debtor(s) outside of the Plan, pre-confirmation to _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Albert Russo, Chapter 13 Trustee	<u>Administrative claim for commission</u>	<u>As allowed</u>
The Lakeside at Medford Homeowner's Association, c/o Gary Woodend, Esquire	<u>Administrative claim for past-due home-owner's association fees</u>	\$5772.50
Internal Revenue Service	<u>Federal income taxes</u>	\$18,488.85 (remaining)
State of NJ Div. of Taxation	<u>State income taxes</u>	\$6,289.38 (remaining)
Pennsylvania Dept. of Revenue	<u>State income taxes</u>	\$9,942.14 (remaining)

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the Debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

b. Modification

1.) The Debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
Equiant Financial	Timeshare	\$200.00	\$8967.00

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

Creditor

Ditech (mortgagee and assignee of Residential Credit Solutions as Servicer for the Bank of New York Mellon) per loan modification.

e. Secured Claims to be paid in full through the Plan

Creditor	Collateral	Total Amount to be Paid through the Plan

Part 5: Unsecured Claims

a. Not separately classified Allowed non-priority unsecured claims shall be paid:

_____ Not less than \$_____ to be distributed *pro rata*

 X Not less than zero percent

_____ *Pro Rata* distribution from any remaining funds

b. Separately Classified Unsecured Claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
-NONE-			

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
Tromco Enterprises	Lease of Ocean City Property	Rejected

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
-NONE-							

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
-NONE-			

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions
- 2) Attorney fees
- 3) Priority Creditors
- 4) Secured Creditors

d. Post-petition claims

The Trustee ☒ is, ☐ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9 : Modification

If this plan modifies a plan previously filed in this case, complete the information below.

Date of Plan being modified: May 19, 2015

Explain below why the Plan is being modified.	Explain below how the Plan is being modified
<p>1. The plan is being modified since the Debtor received a loan modification capitalizing all pre and post-petition arrears in to the new mortgage loan balance.</p> <p>2. Also, the plan is being modified to capitalize any past-due payments to the Chapter 13 trustee in the remaining Chapter 13 payments.</p> <p>3. Finally, the plan is being modified to add the priority claim of the Debtor's Home Owner's Association to the Chapter 13 plan.</p>	<p>1. Because of the mortgage loan modification, the mortgagee was moved from Part 4(a) to Part 4(d).</p> <p>2. The monthly trustee payments were increased in Part 1.</p> <p>3. The creditor "The Lakeside at Medford Homeowners Association, Inc. c/o Gary Woodend" was added to Part 3.</p>

Are Schedules I and J being filed simultaneously with this modified Plan? ☐ Yes ☒ No

Part 10: Sign Here

The debtor(s) and the attorney for the debtor (if any) must sign this Plan.

Date September 20, 2016 /s/ Carrie J. Boyle, Esq.
Carrie J. Boyle, Esq.
Attorney for the Debtor

I certify under penalty of perjury that the foregoing is true and correct.

Date: September 20, 2016 /s/ Maria E Ciocca
Maria E Ciocca
Debtor

Date: _____ Joint Debtor

Imaged Certificate of Notice Page 6 of 7

United States Bankruptcy Court
District of New JerseyIn re:
Maria E Ciocca
DebtorCase No. 12-28191-MBK
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin
Form ID: pdf901Page 1 of 2
Total Noticed: 46

Date Rcvd: Sep 21, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 23, 2016.

db +Maria E Ciocca, 4 Blue Heron Ct, Medford, NJ 08055-3807
r +Berger Realty, 3160 Asbury Avenue, Ocean City, NJ 08226-2230
lm Residential Credit Solutions Inc., POB 163229, Fort Worth, TX 76161-3229
513223255 +Advocare Medford Ped. Adolec., Attn: I.C. System Collection, PO Box 64378,
Saint Paul, MN 55164-0378
513271409 American Express Bank FSB, c/o Becket and Lee LLP, POB 3001, Malvern PA 19355-0701
513223258 +BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
(address filed with court: Bank of America, Aka Fia Card Services, PO Box 982235,
El Paso, TX 79998-2235)
514477726 +Bank of America, N.A., Mail Stop TX2-982-03-03, 7105 Corporate Drive PTX-B-209,
Plano, TX 75024-4100
514475071 Bank of America, N.A., PO Box 660933, Dallas, TX 75266-0933
513223259 +Bank of America-BAC Home Loan Servicing, PO Box 5170, Simi Valley, CA 93062-5170
513223260 +Beneficial, PO Box 1231, Brandon, FL 33509-1231
513223261 Capital One, Bankruptcy Dept., PO Box 30285, Salt Lake City, UT 84130-0285
513337395 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
513428346 Capital One NA, c/o Becket and Lee LLP, POB 3001, Malvern PA 19355-0701
513223262 +Chase, PO Box 24696, Columbus, OH 43224-0696
513223264 +Convergent Outsourcing, 500 SW 7th Street, Bldg. A100, Renton, WA 98057-2983
513223266 +District Of Columbia, Attn: Professional Acct. Managment, 2040 W. Wisconsin Ave.,
Milwaukee, WI 53233-2098
513223267 +Eichenbaum And Stylianou, 10 Forest Avenue, Suite 300, PO Box 914, Paramus, NJ 07653-0914
513223268 +Equiant Financial Services, 5401 N. Pima Road, Suite 150, Scottsdale, AZ 85250-2630
513289484 FIA CARD SERVICES, N.A., 4161 Piedmont Parkway, NC4 105 03 14, Greensboro, NC 27410
513399492 +HSBC Mortgage Services, Inc., PO Box 21188, Eagan, MN 55121-0188
513438227 +JPMORGAN CHASE BANK, N.A., Attn: Correspondence Mail, Mail Code LA4-5555, 700 Kansas Lane,
Monroe, LA 71203-4774
513223271 +Lyons, Doughty And Veldhuis, PO Box 1269, Mt. Laurel, NJ 08054-7269
513223272 New Jersey Div. of Taxation, Compliance & Enforcement-Bankruptcy Unit,
50 Barrach St., 9th Fl, PO Box 245, Trenton, NJ 08695-0267
513223273 +Pennsylvania Dept. Of Revenue, Bankruptcy Division, PO Box 280946,
Harrisburg, PA 17128-0946
515082437 Residential Credit Solutions, P. O. BOX 163229, FORTH WORTH, TEXAS 76161-3229
515082438 Residential Credit Solutions, P. O. BOX 163229, FORTH WORTH, TEXAS 76161-3229,
Residential Credit Solutions, P. O. BOX 163229, FORTH WORTH, TEXAS 76161-3229
513223274 +Roster Financial LLC, Attn: Stuart Allan And Assoc., 5447 E 5th Street, Suite 110,
Tucson, AZ 85711-2345
514957986 ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,
TRENTON NJ 08646-0245
(address filed with court: State of New Jersey, Department of Treasury,
Division of Taxation, PO Box 245, Trenton, NJ 08695-0245)
513656784 State of New Jersey, Division of Taxation, 25 Market Street, PO Box 112,
Trenton, NJ 08625-0112
513656778 State of Pennsylvania Dept. of Revenue, Bankruptcy Division, PO Box 280946,
Harrisburg, PA 17128-0946
513223276 +Tromco Enterprises, LLC, 1008 Wesley Avenue, Unit #306, Ocean City, NJ 08226-3357
513223277 Verizon, Bankruptcy Dept., 500 Technology Drive, Saint Charles, MO 63304-2225

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Sep 21 2016 23:27:52 U.S. Attorney, 970 Broad St.,
Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Sep 21 2016 23:27:48 United States Trustee,
Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
Newark, NJ 07102-5235
513223256 +E-mail/Text: EBNProcessing@afni.com Sep 21 2016 23:28:00 Afni, Inc.,
1310 Martin Luther King Drive, PO Box 3427, Bloomington, IL 61702-3427
513384934 +E-mail/Text: BANKRUPTCY@ASSETACCEPTANCE.COM Sep 21 2016 23:27:40 Asset Acceptance LLC,
Po Box 2036, Warren MI 48090-2036
513223257 +E-mail/Text: BANKRUPTCY@ASSETACCEPTANCE.COM Sep 21 2016 23:27:40 Asset Acceptance, LLC,
PO Box 771, Woodbury, NJ 08096-7771
513223263 +E-mail/Text: ned-collections_bankruptcydocuments@comcast.com Sep 21 2016 23:28:31 Comcast,
PO Box 5025, 1250 Berlin Rd., Cherry Hill, NJ 08034-1494
513223265 E-mail/Text: mrdiscen@discover.com Sep 21 2016 23:26:40 Discover Card, PO Box 30943,
Salt Lake City, UT 84130
513223269 E-mail/Text: cio.bncmail@irs.gov Sep 21 2016 23:27:17 Department of the Treasury,
Internal Revenue Service, PO Box 7346, Philadelphia, PA 19101-7346
513235082 E-mail/Text: mrdiscen@discover.com Sep 21 2016 23:26:40 Discover Bank,
DB Servicing Corporation, PO Box 3025, New Albany, OH 43054-3025
516142467 E-mail/Text: bankruptcy.bnc@ditech.com Sep 21 2016 23:27:27 Ditech Financial LLC,
PO Box 6154, Rapid City, SD 57709-6154
513223270 +E-mail/Text: bnckohlsnotices@becket-lee.com Sep 21 2016 23:27:00 Kohl's, Collection Dept.,
PO Box 3084, Milwaukee, WI 53201-3084

District/off: 0312-3

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 46

Date Rcvd: Sep 21, 2016

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

513860074 +E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Sep 21 2016 23:30:37 Midland Funding LLC,
by American InfoSource LP as agent, Attn: Department 1, PO Box 4457,
Houston, TX 77210-4457, Midland Funding LLC 77210-4457
513860073 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Sep 21 2016 23:31:01 Midland Funding LLC,
by American InfoSource LP as agent, Attn: Department 1, PO Box 4457,
Houston, TX 77210-4457
513223275 +E-mail/Text: bankruptcy@td.com Sep 21 2016 23:27:55 TD Bank, Bankruptcy Dept.,
32 Chestnut Street, Lewiston, ME 04240-7744

TOTAL: 14

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****
516142468* Ditech Financial LLC, PO Box 6154, Rapid City, SD 57709-6154
514994767* State of Pennsylvania Dept. of Revenue, Bankruptcy Division, PO Box 280946,
Harrisburg, PA 17128-0946
513487231 ##VERIZON WIRELESS, PO BOX 3397, BLOOMINGTON, IL 61702-3397

TOTALS: 0, * 2, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices
will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The
debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner
shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social
Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required
by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Sep 23, 2016

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)
system on September 20, 2016 at the address(es) listed below:

Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com
Albert Russo docs@russotrustee.com
Albert Russo (NA) on behalf of Trustee Albert Russo docs@russotrustee.com
Alexandra T. Garcia on behalf of Creditor Beneficial Financial I, as successor by merger to
Beneficial New Jersey Inc. d/b/a Beneficial Mortgage Co. NJECFMAIL@mwc-law.com
Carrie J. Boyle on behalf of Debtor Maria E Ciocca cboyale@mpadlaw.com,
cjbecf@gmail.com;KGresh@mpadlaw.com;tegner@mpadlaw.com;htherrien@mpadlaw.com;jhughes@mpadlaw.com;
kshaffer@marcuslaw.net
Denise A Kuhn on behalf of Interested Party Commonwealth of Pennsylvania, Department of
Revenue, Bureau of Accounts Settlement dkuhn@attorneygeneral.gov
Jeanette F. Frankenberg on behalf of Creditor Bank of America, N.A., as servicer for The Bank
of New York Mellon fka The Bank of New York as Trustee for the Certificateholders of CWALT, Inc.,
Alternative Loan Trust 2004-J6, Mortgage Pass-Through C cmecf@sternlav.com
Joshua I. Goldman on behalf of Creditor THE BANK OF NEW YORK MELLON ET. AL.
jgoldman@kmlawgroup.com, bkgroup@kmlawgroup.com
Nicholas V. Rogers on behalf of Creditor JPMORGAN CHASE BANK, NATIONAL ASSOCIATION
bankruptcy@feinsuch.com
R. A. Lebron on behalf of Creditor JPMORGAN CHASE BANK, NATIONAL ASSOCIATION
bankruptcy@feinsuch.com
Tammy L. Terrell on behalf of Creditor DITECH FINANCIAL LLC bankruptcy@feinsuch.com

TOTAL: 11